

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/23/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

POLSTEAM SHIPPING COMPANY LTD.,

Plaintiff,

- against -

GARCIA MUNTE ENERGIA S.L.,

Defendant.

ORDER

09 Civ. 4217 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

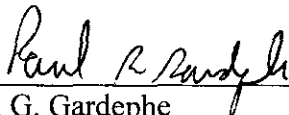
On July 7, 2009, this Court issued an order of attachment as to Defendant Garcia Munte Energia S.L. The order was issued pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. The property to be attached took the form of electronic fund transfers ("EFTs") being processed by intermediary banks in New York.

On October 16, 2009, the Second Circuit decided Shipping Corporation of India Ltd. v. Jaldhi Overseas Pte Ltd., 08-3477-cv (L), 08-3758-cv (XAP) (2d Cir. Oct. 16, 2009). In that decision, the court, with the consent of all of the judges in active service, overruled Winter Storm Shipping, Ltd. v. TPI, 310 F.3d 263, 278 (2d Cir. 2002), concluding "that EFTs being processed by an intermediary bank are not subject to attachment under Rule B." Shipping Corp. of India, at *1-2.

In light of the Second Circuit's decision in Shipping Corporation of India Ltd. v. Jaldhi Overseas Pte Ltd., it is hereby ORDERED that this Court's July 7, 2009 order of attachment will be vacated and the amended verified complaint dismissed without prejudice if Plaintiff does not show good cause in writing by **October 30, 2009** why the attachment should be maintained.

Dated: New York, New York
October 23, 2009

SO ORDERED.



Paul G. Gardephe
United States District Judge